

Jail terms for public servants who overlook their safeguarding responsibilities sounds tough. But if the cause of the problem is actually government wide, should David Cameron be volunteering himself for 5 years in prison rather than another jolly in No. 10?

Adam Tugwell | 9 March 2013



Rotherham has already reached such levels of notoriety in local government that the place name has itself become synonymous with the darkest aspects of our society and the lack of responsibility taken by those who we all somehow know simply should have done much better.

At first account, David Cameron's announcement that any public official – whether an officer or politician – who is shown to have overlooked child safety issues may soon face a jail term, sounds exactly like the kind of tough-minded policy making that we all really want to have coming out of Westminster.

Many of us will agree with the sentiment.

But then, what if those *responsible* didn't actually see a problem? What if they didn't ask questions, because they didn't see it as their job to do so? What if those individuals were more sure of difficult consequences as a result of speaking out than they were of being any help to others by doing so?

We do not know the specific circumstances and chronology of all the events and actions that contributed to Rotherham. But neither are we likely to do so, given that inquiries will reflect the often-accepted perception that all decisions are black and white in nature, and that the evidence will speak for itself.

On one level it will, and particularly so when there is a kneejerk response from Central Government to the idea that an individual can *always* be blamed.

However, the thought processes we all have are still thankfully just our own. Very few of us would willingly provide a word-by-word account of what we have ever at any one time thought – even if we could remember the exact detail for long enough to do so.

Regrettably, in terms of getting tough on those who neglect their responsibilities to the public is concerned, the PM's plan is a measure which neither accounts for the inadequacies of the government system as it exists today, nor the people who are and who have been in the position to actually do something about it – even now.

Let us be in no doubt, child abuse is horrific however you consider it. Public officials failing to protect, safeguard and prevent the abuse of vulnerable people of any age within our communities is an inexcusable act in every sense.

But it has happened, and it is probably happening in places where we wouldn't dream it to be even remotely possible, right now. And it may well have been missed because public servants were doing exactly what they understand their job requires them to do.

Whilst this one emotive subject has captured the public imagination and the vote-seeking cynicism of one political party as it thinks of the General Election in May, lack of responsibility on the part of public servants extends way beyond the realms of what government currently calls 'safeguarding'.

There is an institutional failure at work, which permeates every part of the political, executive and administrative tiers of government, NGO's and public services.

Decisions effecting the lives of you and I are in no way guaranteed to be made in our best interests by the very people we have elected and who have been employed to serve us.

Just as children have and may still be being abused when someone might have been able to stop it from happening, other people may actually be dying because people with responsibility for others at many different levels are not considering the real impacts of their decisions on the people in their care, when we all objectively know that they should.

Outrageous as this all may sound, tackling this problem, whether it is the way that a medical product is purchased within the NHS, a planning decision is made within a district council, or the action taken within social services means that a child is left exposed to the influence of someone who is considered as the member of an ethnic minority first and a paedophile second, may in no way be as simple as it may look.

Solving these many problems facing our public services is not as straightforward as punishing individuals for overlooking, or deliberately ignoring information or experiences that that public servants have had in their roles.

Before anything else, we have to understand at least some of the basic rules of the protectionist and ineffectual culture, which exists throughout our Public Services.

Only then might we begin to find solutions without automatically attacking those, whose actions would perhaps look very like many of our own, were we to find ourselves working and considering where our own responsibilities would stop in the very same circumstances.

Government is not a happy place. It stands to reason that if the people who are sat at the top of the tree behave in a certain way, the same kind of behaviour will soon begin to manifest itself throughout the branches and departments of the organisation below, often with consequences that could never have been foreseen.

My own experience comes directly from working within a local authority, with a national charity, as a politician, and anecdotally through third hand contact throughout. Its real, its tested and I have experienced first hand how the whole system is failing us all, because it is fundamentally, institutionally and culturally sick.

What follows is an overview or perspective of Local Government alone. However, many of the points raised will be applicable to any government body or what we would call a public service.

Whilst I have attempted to focus my thoughts on specific areas, the reality is that there is significant overlap, and the behaviors, processes and methods discussed are very much interdependent, effecting and effected by many different factors and the input of Officers, Politicians and Central – or Westminster-based Government alike.

- Managers are increasingly becoming qualification rich and experience poor, as part of a 'textbook technocracy'. The system rewards those who dedicate themselves to playing the progression game, much as it does the politicians. Those climbing the career ladder are usually specialists in one area, rather than having had a grounding in a variety of operational areas where they will have gained a broader understanding not only of the technical aspects of other service areas, but of the life issues and behavior of the wide variety of people from different backgrounds that the staff they will soon manage are interacting with daily. This is not a problem that is exclusively attributable to the most senior levels of management. With an increasing push to share services and responsibilities both within and with other authorities, lower tier managers are now finding themselves with roles where frontline experience of service provision can be critical across many disciplines. The results are plain to see, and as experience is lost through natural wastage, redundancies and attractive jobs with private business, good management is increasingly becoming reliant upon luck, rather than good judgment. When you have deficient management, you then become reliant upon political leadership and that is often as inadequate, if not more so than the relevant officers within the executive itself.
- Many people are unaware of how desperate the financial circumstances facing the Public Sector actually are. In local government, funding for services is not solely raised by Council Tax alone, and what we pay each month is itself shared out between our local parish, district, county and police authorities. Central government provides an annual settlement or grant to our councils which is being continually lowered and this process has been speeded up throughout the period of Austerity. Some of this is being given back in the form of incentives, such as the New Homes Bonus, which relates to the number of new homes built in the area of the Authority during the year. Unfortunately, payments like this are a two-edged sword and are effectively a way of coercing local authorities to implement government policy and keep doing so, simply to maintain income which is otherwise irreplaceable without cuts.
- Current Government Policy is not normally to allow rises in Council Tax above 5% annually. But even with this, there is a tendency for many ruling Political Groups to keep this figure as near to zero% as possible, simply as voters are likely to respond to this form of taxation and the way it has been decided than any other. The downward side to this 'crowd pleasing' approach is that Council Tax income

is often not increasing in line with normal price rises (inflation), whilst other forms of funding are also being cut. This means that authorities aren't even financially 'standing still', and have no option but to cut services, reduce staff or share services with other authorities, which is a process which ultimately takes power further away from the people. Money is tight and decisions are being made that are effecting lives, based upon funding alone. It's not necessarily because the person on the other end of the phone doesn't care, but because they have to decide who gets the fixed amount of money (the budget) that they have available.

- Politically speaking, 'can do' is actually 'can't, don't'. As is the case nationally, local government is experiencing a critical shortage of politicians who are 'in it for the right reasons'. Of those who are – or get first elected on the basis that they are, many are simply not equipped with the experience or leadership-related-confidence that ALL politicians, at every level of government need to effectively represent the people who elected them – within what is actually a leadership role. This functional naivety leaves party dinosaurs unchallenged from within their own ranks, and officers increasingly able to guide policy on the basis of what works most safely for them, or for the furtherance of their CV's. The situation is growing progressively worse and is only becoming enhanced further by the policy coercion which comes either from Government, or from the National Party HQ's.
- Despite the perception that local government makes decisions, much of its responsibility lies in the form of interpreting law and legislation which has been created by MP's and civil servants in Westminster. Central Government retains the right to overturn local decision making that doesn't meet the rules that it has set. The reality of this is that decisions are increasingly made on the basis of strictly adhering to central legislation, rather than what local need may actually require. The most obvious manifestation of this can be seen within the Planning and Licensing functions, where decisions are made that are openly transparent within a process with which members of the public or business community interact. When even our local policies are made very much on the basis of frameworks which have been set in London, politicians and officers alike are becoming more and more inclined to defer reasoned judgment on real life decisions they are facing on behalf of the public, to a subservience to a 'greater power'. The financial, cultural and institutional aspects of the problem play heavily into this process also, but the greatest irony of the controlling way in which Central Government runs every part of the government, is that the structure already exists which would allow power to be well and truly devolved to local people - were it able to work as it could. The legislative problem is reflected in the attitudes of politicians and officers alike and is becoming ever more

obvious to observers. Policy making has become a truly questionable process, the machinations of which were once only thought of, or perhaps spoken about behind closed doors. It is now openly discussed in public in a way that simply beggars belief.

- The bureaucratic structure within Government is continually tightening, despite the messages we hear in the media to the contrary. Common sense; being allowed to think on your feet; taking into consideration all that factors which are specific to each and every case. These are all no more than ideas in a heavily proscribed environment, which leaves officers and increasingly elected members also having to adopt a highly arbitrary approach to decision making. The Influence of the rights culture has come significantly in to play and the creation of increasingly detailed and instructive processes are removing the human touch from interaction between councils and their customers, all to ensure that risk is limited to the remotest degree. Put simply, decision-making has become increasingly black and white when real life is a very grey area. Managers report upwards through respective line management to their CEO, who in turn reports to the political leadership of the council. Less senior politicians have very limited means to address performance issues relating to officers, which have to be passed to department heads, or to a council's delegated committee which deals with employee issues – one which is often assembled politically. When both the political and executive leadership are incompetent, there is no robust system in place which will enable anyone to do anything about it. For a complainant, speaking out to the media is a highly risky approach to take, and one which is seriously frowned upon, when you are effectively bringing in to question the actions of the Authority of which you are yourself a part.
- Officers operate within a protectionist system where responsibility is the equivalent of risk and where risk is to be avoided at all costs. Staff are closed down to wider issues affecting the organisations they work for and operate often with a kind of tunnel vision which effectively thrives on passing the buck, or more often than not, simply assuming that someone else will pick the issue up departmentally or organisationally – either because the person who raised it will just assume they need to go elsewhere, or because they just don't have to deal with anything that sits outside of their job description. The way that we see this manifested most clearly is by the way that consultants are often employed – at great cost – to write reports, giving conclusions or recommendations which departments and whole organisations already understand and will normally have had skilled staff employed to know very well before. The views of a third party are somehow and mistakenly perceived to give a level of legitimacy that nobody employed to actually do the job could provide. Decisions often become assignments for 'contractors' by being passed from one level of management to

the next. Nobody wants to rock the boat and put at risk what has historically been one of the safest occupations to have, with gold-plated consequences at the end of a highly uneventful career, doing all that it takes to keep your nose clean.

- Managers have a clear distrust, and in many cases open contempt for the members of the authorities that they work for. This is a situation which has been exacerbated by the lack of interest that many politicians actually show in the areas of responsibility that they have – if they understand them in the first place. Managers often forget that they are employed by the council itself – which is the body made up of the elected members. Indeed, even a CEO is technically the clerk to the council, a point which is well illustrated by the role and position they often take up in council meetings.
- The business of government today is more autocratic in nature than it is democratic and could easily be compared with the feudal system. Democracy leaves the building almost as soon as the votes have been counted in elections and then decisions are nearly always made under the guidance of those politicians upon whom power has been centralised. Genuine debate is stifled by restrictive procedures and processes which effectively enable officers and politicians to duck drawn out examination processes which would allow real answers to be produced within public forums.
- Scrutiny processes are generally very weak, ineffective and are failing to serve the public interest in any way. Scrutiny is often treated with disdain by controlling political groups who believe that their elected majority gives them and specifically their leadership a level of legitimacy that should not be questioned. Scrutiny cannot be relied upon by opposition groups who are unlikely to successfully influence the decision of a majority using what is currently an arguably worthless ‘checks and balance’ process, unless there is a problem so clearly obvious with a policy, that it almost certainly wouldn’t have been adopted anyway.
- The political system does not currently encourage strong leadership – usually based upon experience, which is often perceived as divisive in a system where it is normal for politicians to be working to an agenda of some kind. Ineffectual or ‘all things to all people’ styles of leadership are however in practice very weak, opening the door to poor guidance from officers which in such circumstances could be viewed as almost being coercive. When that executive leadership is itself weak, inadequately experienced or just as self-serving as many of the politicians, the results will speak for themselves.

The issues are different for each and every public service organisation, and will almost certainly cover areas that go way beyond what has been described here.

There are also many exceptions. There are some truly exceptional officers and politicians in local government who are doing what they can to 'get it right'.

There are many more officers and politicians who could be just as exceptional. But the system simply doesn't encourage them to give the public service that they are capable of giving, and that we, as taxpayers should reasonably be able to expect.

If you consider all of the points that have been made; allow for them to be adjusted, moved or even considered in a different place, you might begin to be able to visualise just how complex the institutional crisis facing all government or public sector organisations actually is, and how critical it has now become that meaningful reform be enacted throughout, for the best interests of all.

The required process of change can only begin from the top. The legislative levers that must be moved to instigate change, are more than ready to be pulled.

The change needed has to be undertaken with the level of understanding, impartiality and diligence that will be essential in ensuring that all forms of self-interest are not only removed, but no longer tolerated within an extremely complex system that exists and should only ever exist to serve the public.

Decisions are being made right now on the basis of 'what if' and 'what will be the consequences for me' throughout the system.

Officers and politicians are not working within a culture which equips, enables or encourages them to empathise with the people they are supposed to help, or to look beyond and consider the consequences of their decisions and actions for others in any sense.

This is itself highly reflective of the processes which successive Governments have inadvertently nurtured, maintained and developed, and there would be great difficulty in criticising officers within any authority operating at any level for taking this approach, when the example that they continue to be set by Westminster is simply telling them that this is an acceptable way to carry on.

Public servants who fail the people they are employed or elected to protect should be expected to take full responsibility for their actions.

But when the institutional culture of government and public services tells them to do everything but make reasoned decisions alone, it must logically follow that those responsible for the system itself must take responsibility for the faults that lie within it.

So before doling out 5-year jail terms for the people who may just be scapegoats and the easiest to blame, should David Cameron perhaps be volunteering for 5 years in Prison rather than another jolly in No. 10?

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